

**PLANNING AND ZONING BOARD  
OCTOBER 24, 2001**

**1. ROLL CALL**

The meeting was called to order at 7:00 p.m. Board members present were Vice-Chair Mike Bender, Edna Moore, Mimi Turin and Bob Waitkus. Also present were Attorney A. Thomas Connick, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting. Chair Jay Stahl was absent.

**2. APPROVAL OF MINUTES: August 22, 2001**

Ms. Moore made a motion, seconded by Mr. Waitkus, to approve the minutes of August 22, 2001. In a roll call vote, the vote was as follows: Chair Stahl - absent; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 4-0)**

**3. PLATS**

**3.1 P 6-1-01, Flamingo Plat, 12901 Orange Drive (A-1)**

Bill Laystrom, representing the petitioner, was present. Mr. Gratz read the planning report, (Planning and Zoning Division's recommendation: approval subject to the conditions as outlined in the report).

Mr. Laystrom stated that the petitioner concurred with staff's recommendations as noted in the report.

Ms. Moore made a motion, seconded by Mr. Waitkus, to approve subject to the conditions as outlined in the report. In a roll call vote, the vote was as follows: Chair Stahl - absent; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 4-0)**

**3.2 P 6-3-01, Phoenician Cove, between Pine Island Road and 82nd Avenue, north of SW 55 Court (R-3)**

Bill Laystrom and Elizabeth Pulice, representing the applicant, were present. Ms. Pulice pointed out a typographical error which had been corrected by staff. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval subject to a condition as outlined in the planning report).

Ms. Moore declared that she would abstain from voting as she was the real estate broker in the sale of this property.

Mr. Laystrom stated that the applicant concurred with staff's recommendation.

Mr. Waitkus made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Stahl - absent; Vice-Chair Bender - yes; Ms. Moore - abstained; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 3-0)**

**4. PUBLIC HEARINGS**

*Variances*

There being no objections from the Board, Vice-Chair Bender took item 4.2 out of order.

**4.2 V 8-1-01, Fee/Cummings, 15380 SW 26 Street (A-1)**

Daniel Fee, the petitioner, was present. Mr. Gratz summarized the planning report and explained that there were multiple variances resulting from an error of constructing a sidewalk. Mr. Gratz further stated that this variance was in compliance with the terms of the settlement agreement between the Town and Mr. and Mrs. Cummings.

Mr. Fee clarified that although there appeared to be four variances, in actuality there had been five and he proceeded to explain the fifth variance.

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Mr. Connick advised that he and Town Attorney Monroe Kiar had been involved in the litigation to settle this issue and recommended granting the variances.

Vice-Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, he closed the public hearing.

Ms. Moore made a motion, seconded by Mr. Waitkus, to approve subject to the planning report. In a roll call vote, the vote was as follows: Chair Stahl - absent; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 4-0)**

**4.1 V 7-1-01, McDonald's Corporation/The Barclay Group No. 8, LTD, northwest corner of SW 136 Avenue and Financial Boulevard (B-2)**

Robert Locker, representing the petitioner, was present. He requested a tabling of one month in order to meet with other neighboring residents affected by this project. Vice-Chair Bender advised that staff had recommended moving this item forward and he checked to see if anyone from the public wished to speak for or against this item. As no one spoke, Vice-Chair Bender asked for a motion. Later in the meeting, Vice-Chair Bender disclosed that he had been contacted by Dennis Miele and Bonnie Miskel regarding the tabling of this item.

Ms. Moore made a motion, seconded by Ms. Turin, to table to November 28, 2001. In a roll call vote, the vote was as follows: Chair Stahl - absent; Vice-Chair Bender - no; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 3-1)**

**4.3 V 9-1-01, Yadel Holding, Inc., 5151 SW 61 Avenue (CF)**

Felix Lesarte and Susan Eichler, representing the petitioner, were present. Mr. Gratz read the planning report, (Planning and Zoning Division's recommendation: approval).

Mr. Lesarte provided historical information and a presentation which included an enlarged site plan to better demonstrate the physical aspects of the modification. He indicated that he concurred with staff's recommendation and that the expansion was in compliance with the Code.

Vice-Chair Bender asked if anyone wished to speak for or against this modification.

Joan Ast, 6180 SW 51 Court, spoke in opposition of the variance request.

Cindy Griffin, 5394 SW 61 Avenue, questioned the notification procedure and asked other general questions.

Neil Aaronson, an architect for the project, provided further clarification of the site and proposed buildings.

Ms. Eichler addressed Ms. Griffin's concerns regarding traffic and commented that there were too few visitors to this facility.

David Brown, 1042 South Southlake Drive, Hollywood, spoke in favor of the variance request.

As there were no other speakers, Vice-Chair Bender closed the public hearing.

Discussion ensued among the Board members, Mr. Connick, staff and the applicant in which Mr. Lesarte agreed to a covenant running with the land stating that there would be an 80 resident limit; that the building be configured substantially the same as the site plan as presented; and that adequate buffer and landscaping be provided.

Mr. Waitkus made a motion, seconded by Ms. Moore, to approve subject to the conditions that the applicant would voluntarily commit to a covenant running with the land that this property would be limited to the capacity of an "80-resident" facility; committing to a site plan which was substantially in conformance with the exhibited one and that there would be no more building than that which was shown on exhibit one; and that there would

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be adequate buffer landscaping both as to sight and noise to protect the neighboring residents. In a roll call vote, the vote was as follows: Chair Stahl - absent; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 4-0)**

**5. OLD BUSINESS**

There was no old business discussed.

**6. NEW BUSINESS**

There was no new business discussed.

**7. COMMENTS AND/OR SUGGESTIONS**

There were no comments and/or suggestions made.

**8. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 7:55 p.m.

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Chair/Board Member